The Call of the Cumberlands

By Charles Neville Buck

With Illustrations from Photographs of Scenes in the Play

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CHAPTER XV—Continued.

In two days, the grand jury, with much secrecy, returned a true bill, and a day later a considerable detachment of infantry started on a dusty hike up Misery. Furtive and inscrutable Hollman eyes along the way watched them from cabin doors, and counted them. They meant also to count them coming back, and they did not expect the totals to tally.

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Back of an iron spiked fence, and a dusty sunburned lawn, the barrack-like facades of the old administration building and Kentucky state capitol frowned on the street and railroad track. About it, on two sides of the Kentucky river, sprawled the town of Frankfort; sleepy, more or less disheveled at the center, and stretching to shaded environs of colonial houses set in lawns of rich bluegrass, amid the shade of forest trees. Circling the town in an embrace of quiet beauty rose the Kentucky river hills.

Turning in to the gate of the statehouse enclosure, a man, who seemed to be an easterner by the cut of his clothes, walked slowly up the brick walk, and passed around the fountain at the front of the capitol. His steps carried him direct to the main entrance of the administration building, and, having paused a moment in the rotunda, he entered the secretary's office of the executive suite, and asked for an interview with the governor.

"Have you an appointment?" the secretary asked.

The visitor shook his head. Scribbling a brief note on a slip of paper, he inclosed it in an envelope and handed it to his questioner.

"You must pardon my seeming mysteriousness," he said, "but if you let me send in that note I think the governor will see me."

Once more the secretary studied his man with a slightly puzzled air, then nodded and went through the door that gave admission to the executive's office.

His excellency opened the envelope and his face showed an expression of surprise. He raised his brows questioningly.

"Rough-looking sort?" he inquired. "Mountaineer?"

"No, sir. New Yorker would be my guess. Is there anything suspicious?"

"I guess not." The governor laughed. "Rather extraordinary note, but send him in."

Through his eastern window the governor gazed off across the hills of South Frankfort, to the ribbon of river that came down from the troublesome hills. Then, hearing a movement at his back, he turned, and his eyes took in a well-dressed figure with confidence-inspiring features.

He picked up the slip from his desk and, for a moment, stood comparing the name and the message with the man who had sent them in. There seemed to be in his mind some irreconcilable contradiction between the two. With a slightly frowning seriousness the executive suggested:

"This note says that you are Samson South and that you want to see me with reference to a pardon. Whose pardon is it, Mr. South."

"My own, sir."

The governor raised his brows slightly.

"Your pardon for what? The newspapers do not even report that you have yet been indicted." He shaded the word "yet" with a slight emphasis.

"I think I have been indicted within the past day or two. I'm not sure myself."

The governor continued to stare. The impression he had formed of the "Wildcat" from press dispatches was warring with the pleasing personal presence of this visitor. Then his forehead wrinkled under his black hair and his lips drew themselves sternly.

"You have come to me too soon, sir," he said curtly. "The pardoning power is a thing to be most cautiously used at all times, and certainly never until the courts have acted. A case not yet adjudicated cannot address itself to executive clemency."

Samson nodded.

"Quite true," he admitted. "If I announced that I had come on the matter of a pardon, it was largely that I had to state some business and that seemed the briefest way of putting it."

"Then there is something else?"

"Yes. If it were only a plea for clemency I should expect the matter to be chiefly important to myself. In point of fact, I hope to make it equally interesting to you. Whether you give me a pardon in a fashion which violates all precedent, or whether I surrender myself and go back to a trial which will be merely a form of assassination rests entirely with you, sir. You will not find me insistent."

Then Samson launched into the story of his desires and the details of conditions which outside influences had been powerless to remedy—because they were outside influences. Some man of sufficient vigor and comprehension, acting from the center of disturbance, must be armed with the power to undertake the house-cleaning, and for a while must do work that would not be pretty. As far as he was personally concerned, a pardon after trial would be a matter of purely academic interest. He could not expect to survive a trial. He was at present able to hold the Souths in leash. If the governor was not of that mind he was now ready to surrender himself and permit matters to take their course.

"And now, Mr. South," suggested the governor, after a half-hour of absorbed listening, "there is one point you have overlooked. Since in the end the whole thing comes back to the exercise of the pardoning power, it is after all the crux of the situation. You may be able to render such services as those for which you volunteer. Let us for the moment assume that to be true. You have not yet told me a very important thing. Did you or did you not kill Purvy and Hollis?"

"I killed Hollis," said Samson, as though he were answering a question as to the time of day, "and I did not kill Purvy."

"Kindly," suggested the governor, "give me the full particulars of that affair."

The two were still closeted when a second visitor called and was told that his excellency could not be disturbed. The second visitor, however, was so insistent that the secretary finally consented to take in the card. After a glance at it his chief ordered admission.

The door opened and Captain Callomb entered.

He was now in civilian clothes, with portentous news written on his face. He paused in annoyance at the sight of a second figure standing with back turned at the window. Then Samson wheeled and the two men recognized each other. They had met before only when one was in olive drab; the other in jeans and butternut. At recognition Callomb's face fell and grew troubled.

"You here, South!" he exclaimed. "I thought you promised me that I shouldn't find you. God knows I didn't want to meet you."

"Nor I you," Samson spoke slowly. "I supposed you'd be raking the hills."

Neither of them was for the moment paying the least attention to the governor, who stood quietly looking on.

"I sent Merriweather out there," explained Callomb, impatiently. "I wanted to come here before it was too late. God knows, South, I wouldn't have had this meeting occur for anything under heaven. It leaves me no choice. You are indicted on two counts, each charging you with murder." The officer took a step toward the center of the room. His face was weary, and his eyes wore the deep disgust and fatigue that come from the necessity of performing a hard duty.

"You are under arrest," he added quietly, but his composure broke as he stormed. "Now, by God, I've got to take you back and let them murder you, and you're the man who might have been useful to the state."

CHAPTER XVI.

The governor had been more influenced by watching the two as they talked than by what he had heard.

"It seems to me, gentleman," he suggested quietly, "that you are both overlooking my presence." He turned to Callomb.

"Your coming, Sid, unless it was prearranged between the two of you (which, since I know you, I know was not the case) has shed more light on this matter than the testimony of a dozen witnesses. After all, I'm still the governor."

The militiaman seemed to have forgotten the existence of his distinguished kinsman, and, at the voice, his eyes came away from the face of the man he had not wanted to capture, and he shook his head.

"You are merely the head of the executive branch," he said. "You are as helpless here as I am. Neither of us can interfere with the judicial gentry, though we may know that they stink to high heaven with the stench of blood. After a conviction, you can pardon, but a pardon won't help the dead. I don't see that you can do much of anything, Crit."

"I don't know yet what I can do, but I can tell you I'm going to do something," said the governor. "You can just begin watching me. In the meantime, I believe I am commander-in-chief of the state troops."

"And I am captain of 'F' company, but all I can do is to obey the orders of a bunch of Borgias."

"As your superior officer," smiled the governor, "I can give you orders. I'm going to give you one now. Mr. South has applied to me for a pardon in advance of trial. Technically, I have the power to grant that request. Morally, I doubt my right. Certainly, I shall not do it without a very thorough sifting of evidence and grave consideration of the necessities of the case—as well as the danger of the precedent. However, I am considering it, and for the present you will parole your prisoner in my custody. Mr. South, you will not leave Frankfort without my permission. You will take every precaution to conceal your actual identity. You will treat as utterly confidential all that has transpired here—and, above all, you will not let newspaper men discover you. Those are my orders. Report here tomorrow afternoon, and remember that you are my prisoner."

Samson bowed and left the two cousins together, where shortly they were joined by the attorney general. That evening, the three dined at the executive mansion, and sat until midnight in the governor's private office, still deep in discussion. During the long session, Callomb opened the bulky volume of the Kentucky statutes, and laid his finger on section 2673.

"There's the rub," he protested, reading aloud: "'The military shall be at all times, and in all cases, in strict subordination to the civil power.'"

The governor glanced down to the next paragraph and read in part: "'The governor may direct the commanding officer of the military force to report to any one of the following-named officers of the district in which the said force is employed: Mayor of a city, sheriff, jailer or marshal.'"

"Which list," stormed Callomb, "is the honor roll of the assassins."

"At all events"—the governor had derived from Callomb much information as to Samson South which the mountaineer himself had modestly withheld—"South gets his pardon. That is only a step. I wish I could make him satrap over his province, and provide him with troops to rule it. Unfortunately, our form of government has its drawbacks."

"It might be possible," ventured the attorney general, "to impeach the sheriff, and appoint this or some other suitable man to fill the vacancy until the next election."

"The legislature doesn't meet until next winter," objected Callomb. "There is one chance. The sheriff down there is a sick man. Let us hope he may die."

One day, the Hixon conclave met in the room over Hollman's Mammoth Department store, and with much profanity read a communication from Frankfort, announcing the pardon of Samson South. In that episode, they foresaw the beginning of the end for their dynasty. The outside world was looking on, and their regime could not survive the spotlight of law-loving scrutiny.

"The fust thing," declared Judge Hollman, curtly, "is to get rid of these damned soldiers. We'll attend to our own business later, and we don't want them watchin' us. Just now, we want to lie mighty quiet for a spell—teetotally quiet until I pass the word."

Samson had won back the confidence of his tribe, and enlisted the faith of the state administration. He had been authorized to organize a local militia company, and to drill them, provided he could stand answerable for their conduct. The younger Souths took gleefully to that idea. The mountain boy makes a good soldier, once he has grasped the idea of discipline. For ten weeks, they drilled daily in squads and weekly in platoons. Then, the fortuitous came to pass. Sheriff Forbin died, leaving behind him an unexpired term of two years, and Samson was summoned hastily to Frankfort. He returned, bearing his commission as high sheriff, though, when the news reached Hixon, there were few men who envied him his post, and none who cared to bet that he would live to take his oath of office.

That August court day was a memorable one in Hixon. Samson South was coming to town to take up his duties. Every one recognized it as the day of final issue, and one that could hardly pass without bloodshed. The Hollmans, standing in their last trench, saw only the blunt question of Hollman-South supremacy. For years, the feud had flared and slept and broken again into eruptions, but never before had a South sought to throw his outposts of power across the waters of Crippleshin, and into the county seat. That the present South came bearing commission as an officer of the law only made his effrontery the more unendurable.

Samson had not called for outside troops. The drilling and disciplining of his own company had progressed in silence along the waters of Misery. They were a slouching, unmilitary band of uniformed vagabonds, but they were longing to fight, and Callomb had been with them, tirelessly whipping them into rudimentary shape. After all, they were as much partisans as they had been before they were issued state rifles. The battle, if it came, would be as factional as the fight of 25 years ago, when the Hollmans held the store and the Souths the courthouse. But back of all that lay one essential difference, and it was this difference that had urged the governor to stretch the forms of law and put such dangerous power into the hands of one man. That difference was the man himself. He was to take drastic steps, but he was to take them under the forms of law, and the state executive believed that, having gone through worse to better, he would maintain the improved condition.

Early that morning, men began to assemble along the streets of Hixon; and to congregate into sullen clumps with set faces that denoted a grim, unsmiling determination. Not only the Hollmans from the town and immediate neighborhood were there, but their shaggier, fiercer brethren from remote creeks and covers, who came only at urgent call, and did not come without intent of vindicating their presence. Old Jake Hollman, from "over yon" on the headwaters of Dryhole creek, brought his son and fourteen-year-old grandson, and all of them carried Winchesters. Long before the hour for the courthouse bell to sound the call which would bring matters to a crisis, women disappeared from the streets, and front shutters and doors closed themselves. At last, the Souths began to ride in by half-dozens, and to hitch their horses at the racks. they also fell into groups well apart. The two factions eyed each other somberly, sometimes nodding or exchanging greetings, for the time had not yet come to fight. Slowly, however, the Hollmans began centering about the courthouse. They swarmed in the yard, and entered the empty jail, and overran the halls and offices of the building itself. The Souths, now coming in a solid stream, flowed with equal unanimity to McEwer's hotel, near the square, and disappeared inside. Besides their rifles, they carried saddlebags, but not one of the uniforms which some of these bags contained, nor one of the cartridge belts, had yet been exposed to view.

Stores opened, but only for a desultory pretense of business. Horsemen led their mounts away from the more public racks, and tethered them to back fences and willow branches in the shelter of the river banks, where stray bullets would not find them.

The dawn that morning had still been gray when Samson South and Captain Callomb had passed the Miller cabin. Callomb had ridden slowly on around the turn of the road, and waited a quarter of a mile away. He was to command the militia that day, if the high sheriff should call upon him. Samson went in and knocked, and instantly to the cabin door came Sally's slender, fluttering figure. She put both arms about him, and her eyes, as she looked into his face, were terrified, but tearless.

"I'm frightened, Samson," she whispered. "God knows I'm going to be praying all this day."

"Sally," he said, softly, "I'm coming back to you—but, if I don't"—he held her very close—"Uncle Spicer has my will. The farm is full of coal, and days are coming when roads will take it out, and every ridge will glow with coke furnaces. That farm will make you rich, if we win today's fight."

"Don't!" she cried, with a sudden gasp. "Don't talk like that."

"I must," he said, gently. "I want you to make me a promise, Sally."

"It's made," she declared.

"If by any chance I should not come back, I want you to hold Uncle Spicer and old Wile McCager to their pledge. They must not privately avenge me. They must still stand for the law. I want you, and this is most important of all, to leave these mountains—"

Her hands tightened on his shoulder.

"Not that, Samson," she pleaded; "not these mountains where we've been together."

"You promised. I want you to go to the Lescotts in New York. In a year,

He Held Her Very Close.

you can come back—if you want to; but you must promise that."

"I promise," she reluctantly yielded.

It was half-past nine o'clock when Samson South and Sidney Callomb rode side by side into Hixon from the east. A dozen of the older Souths, who had not become soldiers, met them there, and, with no word, separated to close about them in a circle of protection. As Callomb's eyes swept the almost deserted streets, so silent that the strident switching of a freight train could be heard down at the edge of town, he shook his head. As he met the sullen glances of the gathering in the courthouse yard, he turned to Samson.

"They'll fight," he said, briefly.

Samson nodded.

"I don't understand the method," demurred the officer, with perplexity. "Why don't they shoot you at once. What are they waiting for?"

"They want to see," Samson assured him, "what tack I mean to take. They want to let the thing play itself out. They're inquisitive—and they're cautious, because now they are bucking the state and the world."

Samson with his escort rode up to the courthouse door and dismounted. He was for the moment unarmed and his men walked on each side of him, while the onlooking Hollmans stood back in surly silence to let him pass. In the office of the county judge Samson said briefly:

"I want to get my deputies sworn in."

"We've got plenty of deputy sheriffs," was the quietly insolent rejoinder.

"Not now—we haven't any." Samson's voice was sharply incisive. "I'll name my own assistants."

"What's the matter with these boys?" The county judge waved his hand toward two hold-over deputies.

"They're fired."

The country judge laughed.

"Well, I reckon I can't attend to that right now."

"Then you refuse?"

"Mebby you might call it that."

Sampson leaned on the judge's table and rapped sharply with his knuckles. His handful of men stood close and Callomb caught his breath in the heavy air of storm-freighted suspense. The Hollman partisans filled the room and others were crowding to the doors

"I'm high sheriff of this county now," said Samson, sharply. "You are county judge. Do we co-operate—or fight?"

"I reckon," drawled the other, "that's a matter we'll work out as we goes along. Depends on how obedient ye air."

"I'm responsible for the peace and quiet of this county," continued Samson. "We're going to have peace and quiet."

The judge looked about him. The indications did not appear to him indicative of peace and quiet.

"Air we?" he inquired.

"I'm coming back here in a half hour," said the new sheriff. "This is an unlawful and armed assembly. When I get back I want to find the courthouse occupied only by unarmed citizens who have business here."

"When ye comes back," suggested the county judge, "I'd advise that ye resigns yore job. A half-hour is about es long as ye ought ter try ter hold hit."

Samson turned and walked through the scowling crowd to the courthouse steps.

"Gentlemen," he said, in a clear, far-carrying voice, "there is no need of an armed congregation at this courthouse. I call on you in the name of the law to lay aside your arms or scatter."

There was murmur which for an instant threatened to become a roar, but trailed into a chorus of derisive laughter.

Samson went to the hotel, accompanied by Callomb. A half-hour later the two were back at the courthouse with a half-dozen companions. The yard was empty. Samson carried his father's rifle. In that half-hour a telegram, prepared in advance, had flashed to Frankfort.

"Mob holds courthouse — need troops."

And a reply had flashed back:

"Use local company—Callomb commanding." So that form of law was met.

The courthouse doors were closed and its windows barricaded. The place was no longer a judicial building. It was a fortress. As Samson's party paused at the gate a warning voice called:

"Don't come no nigher!"

The body-guard began dropping back to shelter.

"I demand admission to the courthouse to make arrests," shouted the new sheriff. In answer a spattering of rifle reports came from the jail windows. Two of the Souths fell. At a word from Samson Callomb left on a run for the hotel. The sheriff himself took his position in a small store across the street, which he reached unhurt under a desultory fire.

(TO BE CONTINUED.)

NATURAL MEANS OF DEFENSE

Possibility That Another Generation of Fighters May Utilize Their Whiskers.

Here is a war comment from George W. Monroe, the comedian:

The Russian army has one advantage over all other armies, and that is whiskers. It has an entanglement of whiskers that nothing can penetrate—not even lyddite, shrapnel or slugs. A Russian soldier's whiskers are not the flossy kind that toss around with every passing gale. They are so durable that when he falls on them he does not even bend them; he drives them into the ground. The only time a Russian soldier is in danger is when he turns the back of his head to the enemy. The other armies may have the best tactics, armament, discipline, spirit and patriotism, but the Russian army has the chilled-steel whiskers.

The most difficult job a Red Cross nurse has to perform, after the Russian army has finished an engagement, is to comb the bullets and shells out of the soldiers' whiskers.

Fifty years from now, when the next great war is fought, it will not be a question of rapid-firing, long-range guns; it will be a question of whiskers. The world will ask which army has the best whiskers. Whiskers will decide the battle. Nations will no longer waste money in buying big guns and testing them. They will grow whiskers for national defense and they will test an army's efficiency by drawing up a company on the parade grounds and allowing a husky coal heaver to go down the line and hit each soldier in the face with an ax. Whiskers that won't make the ax bounce will be sent to the rear as unfit for the firing line.

Historic Fainting Spell.

Prince Oscar, the kaiser's fifth son, who has just returned to duty with the German army, left the fighting line after an engagement in which he saw the officers about him slaughtered by Turcos and himself collapsed from what has been pronounced a severe attack of heart trouble. In the Mexican war Brig. Gen. Franklin Pierce of New Hampshire fainted while in action from the pain of an injury sustained when his horse fell on him. This incident—this unmanly fainting at a time when other people were getting killed—was used unmercifully to make Pierce a target for ridicule in later years when he ran for the presidency. —Hartford Times.

Left the City Man Thinking.

A city man once had occasion to visit a farmer on business, and remained for dinner. The piece de resistance was literally a very tough chicken. Those at table, including the farmer's two young sons, struggled unsuccessfully to make some impression upon their respective helpings, when Sam turned to his brother. "Tom," he said softly, "I wish old Dick hadn't a-died. Don't you?"